

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PATRICIA RENEE WOLFE COYNE,
a.k.a. PATRICIA RENEE WOLFE,
a.k.a. PATRICIA COYNE
331 S. Pine Street
Orange, CA 92866

Registered Nurse License No. 362470
Public Health Nurse Certificate No. 53620

Respondent.

Case No. 2005 01 0078

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on MARCH 22, 2008.

It is so ORDERED FEBRUARY 22, 2008.

LaTranene N Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA, State Bar No. 120482
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-70

13 PATRICIA RENEE WOLFE COYNE,
aka PATRICIA RENEE WOLFE,
14 aka PATRICIA COYNE
331 S. Pine Street
15 Orange, CA 92866

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Registered Nurse License No. 362470
Public Health Nurse Certificate No. 53620

17
18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Antoinette B. Cincotta, Deputy Attorney General.

26 2. Patricia Renee Wolfe Coyne, R.N., aka Patricia Renee Wolfe, aka Patricia
27 Coyne (Respondent) is represented in this proceeding by attorney Red Benson, whose address is
28 17592 Irvine Boulevard, #218, Tustin, CA 92780.

3. On or about August 31, 1983, the Board of Registered Nursing issued Registered Nurse License No. 362470 to Patricia Renee Wolfe Coyne, R.N., aka Patricia Renee Wolfe, aka Patricia Coyne (Respondent). The registered nurse license was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-70 and will expire on March 31, 2009, unless renewed.

4. On or about April 13, 1995, the Board of Registered Nursing issued Public Health Nurse Certificate No. 53620 to Patricia Renee Wolfe Coyne, R.N., aka Patricia Renee Wolfe, aka Patricia Coyne (Respondent). The public health nurse certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-70 and will expire on March 31, 2009, unless renewed.

JURISDICTION

5. On or about August 14, 2007, Accusation No. 2008-70 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 29, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-70 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2008-70. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision;

///

1 and all other rights accorded by the California Administrative Procedure Act and other applicable
2 laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 CULPABILITY

6 9. Respondent admits the truth of each and every charge and allegation in
7 Accusation No. 2008-70.

8 10. Respondent agrees that her Registered Nurse License and her Public
9 Health Nurse Certificate are subject to discipline and she agrees to be bound by the Board of
10 Registered Nursing's imposition of discipline as set forth in the Disciplinary Order below.

11 RESERVATION

12 11. The admissions made by Respondent herein are only for the purposes of
13 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
14 professional licensing agency is involved, and shall not be admissible in any other criminal or
15 civil proceeding.

16 CONTINGENCY

17 12. This stipulation shall be subject to approval by the Board of Registered
18 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
19 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
20 and settlement, without notice to or participation by Respondent or her counsel. By signing the
21 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
23 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
25 action between the parties, and the Board shall not be disqualified from further action by having
26 considered this matter.

27 ///

28 ///

1 13. The parties understand and agree that facsimile copies of this Stipulated
2 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
3 force and effect as the originals.

4 14. In consideration of the foregoing admissions and stipulations, the parties
5 agree that the Board may, without further notice or formal proceeding, issue and enter the
6 following Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Registered Nurse License No. 362470 and Public
9 Health Nurse Certificate No. 53620 issued to Patricia Renee Wolfe Coyne, R.N., aka Patricia
10 Renee Wolfe, aka Patricia Coyne (Respondent) are revoked. However, the revocations are stayed
11 and Respondent is placed on probation for three (3) years on the following terms and conditions.

12 **Severability Clause.** Each condition of probation contained herein is a separate
13 and distinct condition. If any condition of this Order, or any application thereof, is declared
14 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
15 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
16 and enforceable to the fullest extent permitted by law.

17 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
18 A full and detailed account of any and all violations of law shall be reported by Respondent to
19 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
20 compliance with this condition, Respondent shall submit completed fingerprint forms and
21 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
22 as part of the licensure application process.

23 **Criminal Court Orders:** If Respondent is under criminal court orders, including
24 probation or parole, and the order is violated, this shall be deemed a violation of these probation
25 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

26 2. **Comply with the Board's Probation Program.** Respondent shall fully
27 comply with the conditions of the Probation Program established by the Board and cooperate
28 with representatives of the Board in its monitoring and investigation of the Respondent's

1 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
2 within no more than 15 days of any address change and shall at all times maintain an active,
3 current license status with the Board, including during any period of suspension. Upon
4 successful completion of probation, Respondent's license shall be fully restored.

5 3. **Report in Person.** Respondent, during the period of probation, shall
6 appear in person at interviews/meetings as directed by the Board or its designated
7 representatives.

8 4. **Residency, Practice, or Licensure Outside of State.** Periods of
9 residency or practice as a registered nurse outside of California shall not apply toward a reduction
10 of this probation time period. Respondent's probation is tolled, if and when she resides outside
11 of California. Respondent must provide written notice to the Board within 15 days of any change
12 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
13 returning to practice in this state.

14 Respondent shall provide a list of all states and territories where she has ever been
15 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
16 provide information regarding the status of each license and any changes in such license status
17 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
18 new nursing license during the term of probation.

19 5. **Submit Written Reports.** Respondent, during the period of probation,
20 shall submit or cause to be submitted such written reports/declarations and verification of actions
21 under penalty of perjury, as required by the Board. These reports/declarations shall contain
22 statements relative to Respondent's compliance with all the conditions of the Board's Probation
23 Program. Respondent shall immediately execute all release of information forms as may be
24 required by the Board or its representatives.

25 Respondent shall provide a copy of this Decision to the nursing regulatory agency
26 in every state and territory in which she has a registered nurse license.

27 6. **Function as a Registered Nurse.** Respondent, during the period of
28 probation, shall engage in the practice of registered nursing in California for a minimum of 24

1 hours per week for 6 consecutive months or as determined by the Board.

2 For purposes of compliance with the section, “engage in the practice of registered
3 nursing” may include, when approved by the Board, volunteer work as a registered nurse, or
4 work in any non-direct patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice
6 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
7 Board.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent’s probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation shall apply.

14 7. **Employment Approval and Reporting Requirements.** Respondent
15 shall obtain prior approval from the Board before commencing or continuing any employment,
16 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
17 performance evaluations and other employment related reports as a registered nurse upon request
18 of the Board.

19 Respondent shall provide a copy of this Decision to her employer and immediate
20 supervisors prior to commencement of any nursing or other health care related employment.

21 In addition to the above, Respondent shall notify the Board in writing within
22 seventy-two (72) hours after she obtains any nursing or other health care related employment.
23 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
24 terminated or separated, regardless of cause, from any nursing, or other health care related
25 employment with a full explanation of the circumstances surrounding the termination or
26 separation.

27 8. **Supervision.** Respondent shall obtain prior approval from the Board
28 regarding Respondent’s level of supervision and/or collaboration before commencing or

1 continuing any employment as a registered nurse, or education and training that includes patient
2 care.

3 Respondent shall practice only under the direct supervision of a registered nurse
4 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
5 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
6 are approved.

7 Respondent's level of supervision and/or collaboration may include, but is not
8 limited to the following:

9 (a) Maximum - The individual providing supervision and/or collaboration is
10 present in the patient care area or in any other work setting at all times.

11 (b) Moderate - The individual providing supervision and/or collaboration is in
12 the patient care unit or in any other work setting at least half the hours Respondent works.

13 (c) Minimum - The individual providing supervision and/or collaboration has
14 person-to-person communication with Respondent at least twice during each shift worked.

15 (d) Home Health Care - If Respondent is approved to work in the home health
16 care setting, the individual providing supervision and/or collaboration shall have person-to-
17 person communication with Respondent as required by the Board each work day. Respondent
18 shall maintain telephone or other telecommunication contact with the individual providing
19 supervision and/or collaboration as required by the Board during each work day. The individual
20 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
21 site visits to patients' homes visited by Respondent with or without Respondent present.

22 9. **Employment Limitations.** Respondent shall not work for a nurse's
23 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
24 traveling nurse, or for an in-house nursing pool.

25 Respondent shall not work for a licensed home health agency as a visiting nurse
26 unless the registered nursing supervision and other protections for home visits have been
27 approved by the Board. Respondent shall not work in any other registered nursing occupation
28 where home visits are required.

1 Respondent shall not work in any health care setting as a supervisor of registered
2 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
3 nurses and/or unlicensed assistive personnel on a case-by-case basis.

4 Respondent shall not work as a faculty member in an approved school of nursing
5 or as an instructor in a Board approved continuing education program.

6 Respondent shall work only on a regularly assigned, identified and predetermined
7 worksite(s) and shall not work in a float capacity.

8 If Respondent is working or intends to work in excess of 40 hours per week, the
9 Board may request documentation to determine whether there should be restrictions on the hours
10 of work.

11 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
12 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
13 than six months prior to the end of her probationary term.

14 Respondent shall obtain prior approval from the Board before enrolling in the
15 course(s). Respondent shall submit to the Board the original transcripts or certificates of
16 completion for the above required course(s). The Board shall return the original documents to
17 Respondent after photocopying them for its records.

18 11. **Cost Recovery.** Board costs associated with its investigation and
19 enforcement pursuant to Business and Professions Code section 125.3 total \$10,372.50.
20 Respondent shall pay reduced costs to the Board in the amount of \$5,186.25. Respondent shall
21 be permitted to pay these costs in a payment plan approved by the Board, with payments to be
22 completed no later than three months prior to the end of the probation term.

23 If Respondent has not complied with this condition during the probationary term,
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may
26 grant an extension of Respondent's probation period up to one year without further hearing in
27 order to comply with this condition. During the one year extension, all original conditions of
28 probation will apply.

1 12. **Violation of Probation.** If Respondent violates the conditions of her
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 13. **License Surrender.** During Respondent's term of probation, if she ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
16 will no longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and
18 shall become a part of Respondent's license history with the Board. A registered nurse whose
19 license has been surrendered may petition the Board for reinstatement no sooner than the
20 following minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any
22 reason other than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

24 14. **Physical Examination.** Within 45 days of the effective date of this
25 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
26 physician assistant, who is approved by the Board before the assessment is performed, submit an
27 assessment of the Respondent's physical condition and capability to perform the duties of a
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by the
2 Respondent with the physician, nurse practitioner, or physician assistant providing written
3 reports to the Board on forms provided by the Board.

4 If Respondent is determined to be unable to practice safely as a registered nurse,
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
8 shall immediately cease practice and shall not resume practice until notified by the Board.
9 During this period of suspension, Respondent shall not engage in any practice for which a license
10 issued by the Board is required until the Board has notified Respondent that a medical
11 determination permits Respondent to resume practice. This period of suspension will not apply
12 to the reduction of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within
14 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
15 practice until notified by the Board. This period of suspension will not apply to the reduction of
16 this probationary time period. The Board may waive or postpone this suspension only if
17 significant, documented evidence of mitigation is provided. Such evidence must establish good
18 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
19 provided. Only one such waiver or extension may be permitted.

20 **15. Participate in Treatment/Rehabilitation Program for Chemical**
21 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
22 period or shall have successfully completed prior to commencement of probation a Board-
23 approved treatment/rehabilitation program of at least six months duration. As required, reports
24 shall be submitted by the program on forms provided by the Board. If Respondent has not
25 completed a Board-approved treatment/rehabilitation program prior to commencement of
26 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
27 a program. If a program is not successfully completed within the first nine months of probation,
28 the Board shall consider Respondent in violation of probation.

1 Based on Board recommendation, each week Respondent shall be required to
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
6 such attendance to the Board during the entire period of probation. Respondent shall continue
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
8 mental health examiner and/or other ongoing recovery groups.

9 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
10 shall completely abstain from the possession, injection or consumption by any route of all
11 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
12 the same are ordered by a health care professional legally authorized to do so as part of
13 documented medical treatment. Respondent shall have sent to the Board, in writing and within
14 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
15 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
16 medication will no longer be required, and the effect on the recovery plan, if appropriate.

17 Respondent shall identify for the Board a single physician, nurse practitioner or
18 physician assistant who shall be aware of Respondent's history of substance abuse and will
19 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
20 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
21 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
22 condition. If any substances considered addictive have been prescribed, the report shall identify a
23 program for the time limited use of any such substances.

24 The Board may require the single coordinating physician, nurse practitioner, or
25 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
26 addictive medicine.

27 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
28 participate in a random, biological fluid testing or a drug screening program which the Board

1 approves. The length of time and frequency will be subject to approval by the Board.

2 Respondent is responsible for keeping the Board informed of Respondent's current telephone
3 number at all times. Respondent shall also ensure that messages may be left at the telephone
4 number when she is not available and ensure that reports are submitted directly by the testing
5 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
6 to the Board by the program and Respondent shall be considered in violation of probation.

7 In addition, Respondent, at any time during the period of probation, shall fully
8 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
9 tests and samples as the Board or its representatives may require for the detection of alcohol,
10 narcotics, hypnotics, dangerous drugs, or other controlled substances.

11 If Respondent has a positive drug screen for any substance not legally authorized
12 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
13 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
14 from practice pending the final decision on the petition to revoke probation or the accusation.
15 This period of suspension will not apply to the reduction of this probationary time period.

16 If Respondent fails to participate in a random, biological fluid testing or drug
17 screening program within the specified time frame, Respondent shall immediately cease practice
18 and shall not resume practice until notified by the Board. After taking into account documented
19 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
20 Board may suspend Respondent from practice pending the final decision on the petition to
21 revoke probation or the accusation. This period of suspension will not apply to the reduction of
22 this probationary time period.

23 18. **Mental Health Examination.** Respondent shall, within 45 days of the
24 effective date of this Decision, have a mental health examination including psychological testing
25 as appropriate to determine her capability to perform the duties of a registered nurse. The
26 examination will be performed by a psychiatrist, psychologist or other licensed mental health
27 practitioner approved by the Board. The examining mental health practitioner will submit a
28 written report of that assessment and recommendations to the Board. All costs are the

1 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
2 result of the mental health examination will be instituted and followed by Respondent.

3 If Respondent is determined to be unable to practice safely as a registered nurse,
4 the licensed mental health care practitioner making this determination shall immediately notify
5 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
6 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
7 practice and may not resume practice until notified by the Board. During this period of
8 suspension, Respondent shall not engage in any practice for which a license issued by the Board
9 is required, until the Board has notified Respondent that a *mental health determination permits*
10 Respondent to resume practice. This period of suspension will not apply to the reduction of this
11 probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within
13 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
14 practice until notified by the Board. This period of suspension will not apply to the reduction of
15 this probationary time period. The Board may waive or postpone this suspension only if
16 significant, documented evidence of mitigation is provided. Such evidence must establish good
17 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
18 provided. Only one such waiver or extension may be permitted.

19 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
20 participate in an on-going counseling program until such time as the Board releases her from this
21 requirement and only upon the recommendation of the counselor. Written progress reports from
22 the counselor will be required at various intervals.

23 ///

24 ///

25 ///

26 ///


27 ///

28 ///

ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Red Benson. I understand the stipulation and the effect it will have on my registered nurse license, and public health nurse certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 12/11/07


Patricia Renee Wolfe Coyne, R.N.,
aka Patricia Renee Wolfe, aka Patricia Coyne
Respondent

I have read and fully discussed with the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order with Patricia Renee Wolfe Coyne, R.N., aka Patricia Renee Wolfe, aka Patricia Coyne (Respondent). I approve its form and content.

DATED: 12/11/07

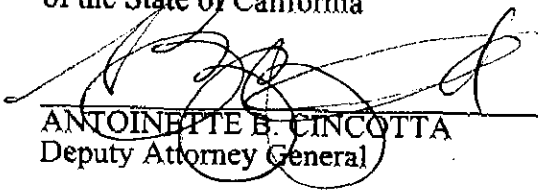

RED BENSON
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 12/20/2007

EDMUND G. BROWN JR., Attorney General
of the State of California


ANTOINETTE B. CINCOTTA
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 2008-70

1 EDMUND G. BROWN, JR, Attorney General
of the State of California
2 LINDA SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA, State Bar No. 120482
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2095
Facsimile: (619) 645-2061

8 Attorneys for Complainant
9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 **PATRICIA RENEE WOLFE COYNE, aka**
15 **PATRICIA RENEE WOLFE, aka**
16 **PATRICIA COYNE**
12756 Barrett Lane
Santa Ana, CA 92705

17 Registered Nurse License No. 362470
Public Health Nurse Certificate No. 53620

18 Respondent.
19

Case No. 2008-70

OAH No.

A C C U S A T I O N

20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

24 2. **Registered Nurse License:** On or about January 1, 1983, the Board of
25 Registered Nursing issued Registered Nurse License Number 362470 ("license") to Patricia
26 Renee Wolfe, also known as Patricia Coyne and Patricia Renee Wolfe Coyne ("Respondent").
27 The license was in full force and effect at all times relevant to the charges brought herein and will
28 expire on March 31, 2009, unless renewed.

1 the public or to the extent that such use impairs his or her ability to conduct with
2 safety to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription,
4 consumption, or self-administration of any of the substances described in
5 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
6 record pertaining to, the substances described in subdivision (a) of this section, in
7 which event the record of the conviction is conclusive evidence thereof.

8 8. Code section 490 states:

9 A board may suspend or revoke a license on the ground that the licensee
10 has been convicted of a crime, if the crime is substantially related to the
11 qualifications, functions, or duties of the business or profession for which the
12 license was issued. A conviction within the meaning of this section means a plea
13 or verdict of guilty or a conviction following a plea of nolo contendere. Any
14 action which a board is permitted to take following the establishment of a
15 conviction may be taken when the time for appeal has elapsed, or the judgment of
16 conviction has been affirmed on appeal, or when an order granting probation is
17 made suspending the imposition of sentence, irrespective of a subsequent order
18 under the provisions of Section 1203.4 of the Penal Code.

19 9. Section 493 provides:

20 Notwithstanding any other provision of law, in a proceeding conducted by
21 a board within the department pursuant to law to deny an application for a license
22 or to suspend or revoke a license or otherwise take disciplinary action against a
23 person who holds a license, upon the ground that the applicant or the licensee has
24 been convicted of a crime substantially related to the qualifications, functions, and
25 duties of the licensee in question, the record of conviction of the crime shall be
26 conclusive evidence of the fact that the conviction occurred, but only of that fact,
27 and the board may inquire into the circumstances surrounding the commission of
28 the crime in order to fix the degree of discipline or to determine if the conviction
is substantially related to the qualifications, functions, and duties of the licensee in
question.

10. Section 482 provides:

Each board under the provisions of this code shall develop criteria to
evaluate the rehabilitation of a person when:

...

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee.

11. California Code of Regulations, Title 16, section 1444 provides, in
relevant part:

A conviction or act shall be considered to be substantially related to the
qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a

1 manner consistent with the public health, safety, or welfare. Such convictions or
2 acts shall include but not be limited to the following:

3 . . .
4 (c) Theft, dishonesty, fraud, or deceit. . . .

5 12. California Code of Regulations, Title 16, section 1445 provides:

6 (a) When considering the denial of a license under Section 480 of the
7 code, the board, in evaluating the rehabilitation of the applicant and his/her
8 present eligibility for a license will consider the following criteria:

9 (1) The nature and severity of the act(s) or crime(s) under consideration as
10 grounds for denial.

11 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
12 under consideration as grounds for denial which also could be considered as
13 grounds for denial under Section 480 of the code.

14 (3) The time that has elapsed since commission of the act(s) or crime(s)
15 referred to in subdivision (1) or (2).

16 (4) The extent to which the applicant has complied with any terms of
17 parole, probation, restitution, or any other sanctions lawfully imposed against
18 the applicant.

19 (5) Evidence, if any, of rehabilitation submitted by the applicant.

20 (b) When considering the suspension or revocation of a license on the
21 grounds that a registered nurse has been convicted of a crime, the board, in
22 evaluating the rehabilitation of such person and his/her eligibility for a license will
23 consider the following criteria:

24 (1) Nature and severity of the act(s) or offense(s).

25 (2) Total criminal record.

26 (3) The time that has elapsed since commission of the act(s) or offense(s).

27 (4) Whether the licensee has complied with any terms of parole, probation,
28 restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to
Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

///

///

///

///

1 **COST RECOVERY**

2 13. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **DRUG**

7 14. "Norco" is a trade name for hydrocodone and is a Schedule III controlled
8 substance as designated by Health and Safety Code section 11056, subdivision (e)(4) and a
9 dangerous drug within the meaning of Code section 4022 in that it requires a prescription under
10 federal law.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(November 15, 2005 Criminal Conviction - Obtaining**
13 **Controlled Substance by Fraud and for Self-Use)**

14 15. Respondent has subjected her licenses to discipline under Code sections
15 2761, subdivision (f), and 490 in that on November 15, 2005, in the case of *People vs. Patricia*
16 *Renee Coyne*, Superior Court County of Orange, Case No. 05CF2891, Respondent was convicted
17 by the court on her plea of guilty to a violation of Health and Safety Code section 11173,
18 subdivision (a) (obtaining controlled substance by fraud) and Health and Safety Code section
19 11170 (prescribe, administer and furnish a controlled substance for self use). Such conduct is
20 substantially related to the qualifications, functions, or duties of a licensed registered nurse.

21 16. The facts and circumstances surrounding these convictions are as follows:
22 On or about November 24, 2004, Respondent unlawfully obtained a controlled substance by
23 altering her prescription for 40 Norco pills to 140 Norco pills.

24 17. Respondent was sentenced to three years probation and ordered to pay a
25 state restitution fine of \$200.00; provide samples of her saliva, blood, and prints pursuant to
26 Penal Code section 296; and continue to attend four Alcoholic Anonymous per week, and two
27 sessions per week at Cornerstone Intensive Outpatient Program.

28 ///

1

2

3

7

8

3

3

1

4

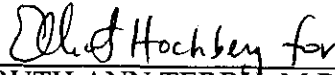
1

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/14/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

EXHIBIT "A"

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 THOMAS S. LAZAR,
Deputy Attorney General
3 State Bar No. 120621
110 West A Street, Suite 1100
4 San Diego, California 92101
Telephone: (619) 645-2117
5 Attorneys for Complainant
6
7

8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) Case No. 98-105
Against:)
12 PATRICIA RENEE WOLFE) STIPULATED SETTLEMENT AND
13 12756 Barret Lane) DISCIPLINARY ORDER
Santa Ana, CA 92705)
14 Registered Nurse License)
15 No. 362470,)
16 Public Health Nurse)
Certificate No. 53620,)
17 Respondent.)
18

19 IT IS HEREBY STIPULATED by and between the parties in
20 the above-entitled matter that the following matters are true:
21 1. Complainant Ruth Ann Terry, M.P.H., R.N., is the
22 Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs, State of California (hereinafter the
24 "Board"), and is represented herein by Daniel E. Lungren,
25 Attorney General of the State of California, by Thomas S. Lazar,
26 Deputy Attorney General.
27 //

1 2. Patricia Renee Wolfe, R.N., is represented herein
2 by Theodore A. Cohen, Esq.

3 3. On August 31, 1983, the Board issued Registered
4 Nurse License No. 362470 to Patricia Renee Wolfe, R.N.
5 (hereinafter "respondent"). Said license was in full force and
6 effect at all times relevant herein and will expire on March 31,
7 1999, unless renewed. On April 13, 1995, the Board issued
8 California Public Health Nurse Certificate No. 53620 to
9 respondent. Respondent has no prior history of disciplinary
10 action before the Board.

11 4. On January 16, 1998, complainant Ruth Ann Terry,
12 M.P.H., R.N., in her official capacity as Executive Officer for
13 the Board, filed Accusation No. 98-105 against respondent, a copy
14 of which is attached hereto as Exhibit "A" and incorporated by
15 reference as if fully set forth herein.

16 5. On January 27, 1998, respondent was served with a
17 copy of Accusation No. 98-105, together with copies of all other
18 statutorily required documents, at her address of record then on
19 file with the Board: 12756 Barret Lane, Santa Ana, CA 92705.
20 Thereafter, a notice of defense was filed on respondent's behalf
21 by her attorney of record, Theodore A. Cohen, Esq.

22 6. Respondent has carefully read and fully understands
23 the charges and allegations contained in Accusation No. 98-105,
24 and has fully reviewed same with her attorney of record, Theodore
25 A. Cohen, Esq.

26 //

27 //

1 7. Respondent has carefully read and fully understands
2 the contents, force, and effect of this Stipulated Settlement and
3 Disciplinary Order, and has fully reviewed same with her attorney
4 of record, Theodore A. Cohen, Esq.

5 8. Respondent is fully aware of her right to a hearing
6 on the charges and allegations contained in Accusation No. 98-
7 105, her right to present witnesses and evidence on her own
8 behalf, her right to cross-examine all witnesses testifying
9 against her, her right to reconsideration, judicial review,
10 appeal, and all other rights which may be accorded her pursuant
11 to the California Administrative Procedure Act, the California
12 Code of Civil Procedure, and all other applicable laws, having
13 been fully advised of same by her attorney of record, Theodore A.
14 Cohen, Esq. Respondent, having the benefit of counsel, hereby
15 knowingly, intelligently, freely and voluntarily waives each and
16 every one of the above rights.

17 9. Having the benefit of counsel, respondent hereby
18 knowingly, intelligently, freely and voluntarily admits the
19 complete truth and accuracy of each and every charge and
20 allegation contained in Accusation No. 98-105, a copy of which is
21 attached hereto as Exhibit "A", and agrees that she has thereby
22 subjected her Registered Nurse License No. 362470 and her
23 California Public Health Nurse Certificate No. 53620 to
24 disciplinary action. Respondent further agrees to the Board's
25 imposition of penalty as set forth in the Disciplinary Order
26 below.

27 //

1 10. This Stipulated Settlement and Disciplinary Order
2 is intended by the parties herein to be an integrated writing
3 representing the complete, final and exclusive embodiment of the
4 agreements of the parties in the above-entitled matter.

5 11. The parties agree that facsimile copies of this
6 Stipulated Settlement and Disciplinary Order, including facsimile
7 signatures of the parties, may be used in lieu of original
8 documents and signatures and, further, that facsimile copies
9 shall have the same force and effect as originals.

10 DISCIPLINARY ORDER

11 IT IS HEREBY ORDERED that Registered Nurse License No.
12 362470 and California Public Health Nurse Certificate No. 53620,
13 heretofore issued to respondent Patricia Renee Wolfe, R.N., are
14 hereby revoked. However, said revocations are hereby stayed and
15 respondent is placed on probation for a period of three (3) years
16 on the following terms and conditions:

17 1. OBEY ALL LAWS: Respondent shall obey all federal,
18 state and local laws, and all rules, and regulations of the Board
19 of Registered Nursing governing the practice of nursing in
20 California. A full and detailed account of any and all
21 violations of law shall be reported by the respondent to the
22 Board in writing within seventy-two (72) hours of occurrence. To
23 permit monitoring of compliance with this term, respondent shall
24 submit completed fingerprint cards and fingerprint fees within
25 forty-five (45) days of the effective date of this decision,
26 unless previously submitted as part of the licensure application
27 process.

1 2. COMPLY WITH PROBATION PROGRAM: Respondent shall
2 fully comply with the terms and conditions of the Probation
3 Program established by the Board and cooperate with
4 representatives of the Board in its monitoring and investigation
5 of the respondent's compliance with the Program. Respondent
6 shall inform the Board in writing within no more than fifteen
7 (15) days of any address change and shall at all times maintain
8 an active, current license status with the Board, including
9 during any period of suspension.

10 3. REPORT IN PERSON: Respondent, during the period of
11 probation, shall appear in person at interviews/meetings as
12 directed by the Board or its designated representatives.

13 4. ABSENCE FROM STATE: Periods of residency or
14 practice outside of California will not apply to the reduction of
15 this probationary term. Respondent must provide written notice
16 to the Board within fifteen (15) days of any change of residency
17 or practice outside the State.

18 5. SUBMIT WRITTEN REPORTS: Respondent, during the
19 period of probation, shall submit such written
20 reports/declarations and verifications of actions under penalty
21 of perjury as are required. These declarations shall contain
22 statements relative to respondent's compliance with all the terms
23 and conditions of the Board's Probation Program. Respondent
24 shall immediately execute all release of information forms as may
25 be required by the Board or its representatives.

26 //

27 //

1 6. FUNCTION AS A REGISTERED NURSE: Respondent, during
2 the period of probation, shall engage in the practice of
3 professional nursing in California for a minimum of twenty-four
4 (24) hours per week (or as determined by the Board) for six (6)
5 consecutive months. Per Section 2732 of the Business and
6 Professions Code, no person shall engage in the practice of
7 registered nursing without holding a license which is in an
8 active status.

9 7. NURSING PRACTICE: The Board shall be informed of
10 and approve of each agency for which the respondent provides
11 nursing services prior to respondent's commencement of work.
12 Respondent shall inform her employer of the reason for and the
13 terms and conditions of probation and shall provide a copy of the
14 Board's decision and order to her employer and immediate
15 supervisor. The employer shall submit performance evaluations
16 and other reports as requested by the Board. Respondent is also
17 required to notify the Board in writing within seventy-two (72)
18 hours after termination of any nursing employment. Any
19 notification of termination shall contain a full explanation of
20 the circumstances surrounding it.

21 8. SUPERVISION: The Board shall be informed of and
22 approve of the level of supervision provided to the respondent
23 while she is functioning as a registered nurse. The appropriate
24 level of supervision must be approved by the Board prior to
25 commencement of work. Respondent shall practice only under the
26 direct supervision of a registered nurse in good standing (no
27 current discipline) with the Board of Registered Nursing.

1 9. EMPLOYMENT LIMITATIONS: Respondent may not work
2 for a nurse registry; temporary nurse agency; home care agency;
3 in-house nursing pool; as a nursing supervisor; as a faculty
4 member in an approved school of nursing; or as an instructor in a
5 Board approved continuing education program. Respondent must
6 work only on regularly assigned, identified and predetermined
7 worksite(s) with appropriate supervision as approved by the
8 Board.

9 10. COMPLETE A NURSING COURSE(S): Respondent, at her
10 expense, shall begin and successfully complete a course(s) in
11 nursing as directed by the Board prior to engaging in the
12 practice of nursing and prior to the end the probationary term.
13 Respondent may be suspended from practicing nursing until the
14 necessary coursework is completed. The content of such course(s)
15 and the place and conditions of instruction shall be specified by
16 Board representatives at the time of the initial probation
17 meeting based on the nature of the violation(s). Specific
18 courses must be approved prior to enrollment. Respondent must
19 submit written proof of enrollment and proof of successful
20 completion. Transcripts or certificates of completion must be
21 mailed directly to the Board by the agency or entity instructing
22 respondent. Home study or correspondence courses are not
23 acceptable and will not be approved.

24 11. COST RECOVERY: Respondent shall pay to the Board
25 costs associated with its investigation and enforcement pursuant
26 to Business and Professions Code section 125.3 in the amount of
27 \$8,518.25. Respondent shall be permitted to pay these costs in a

1 payment plan approved by the Board, with payments to be completed
2 no later than three months prior to the end of the probation
3 term.

4 12. VIOLATION OF PROBATION: If respondent violates
5 the conditions of her probation, the Board after giving
6 respondent notice and an opportunity to be heard, may set aside
7 the stay order and impose the stayed discipline, i.e., revocation
8 of respondent's Registered Nurse License No. 362470 and
9 California Public Health Nurse Certificate No. 53620. If, during
10 the period of probation, an accusation or petition to revoke
11 probation has been filed against respondent's license and
12 certificate, or the Attorney General's Office has been requested
13 to prepare an accusation or petition to revoke probation against
14 respondent's license and certificate, the probationary period
15 shall automatically be extended and shall not expire until the
16 accusation or petition has been acted upon by the Board. Upon
17 successful completion of probation, respondent's license and
18 certificate will be fully restored.

19 13. PHYSICAL EXAMINATION: Respondent, at her expense,
20 within forty-five (45) days of the effective date of this
21 decision, shall have a licensed physician submit, in a format
22 acceptable to the Board, an assessment of the respondent's
23 physical condition and capability to perform the duties of a
24 professional registered nurse. If medically determined, a
25 recommended treatment program will be instituted and followed by
26 the respondent with the physician providing written reports to
27 the Board on forms provided by the Board.

14. PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL

2 DEPENDENCE: Respondent, at her expense, shall successfully
3 complete or shall have successfully completed a
4 treatment/rehabilitation program of at least six (6) months
5 duration which the Board approves. Reports shall be submitted by
6 the program on forms provided by the Board. If respondent has
7 not completed a treatment program prior to commencement of
8 probation, the respondent, within a reasonable period of time as
9 determined by the Board (but not exceeding 45 days from the
10 effective date of the decision) shall be enrolled in a treatment
11 program. If a treatment program is not successfully completed
12 within the first nine (9) months of probation, the Board will
13 consider the respondent to be in violation of probation and will
14 initiate further disciplinary action against the respondent's
15 license and certificate.

16 In addition, respondent must attend two 12-step
17 recovery meetings per week (e.g., Narcotics Anonymous, Alcoholic
18 Anonymous, etc.) and a nurse support group as directed by the
19 Board. If a nurse support group is not available, an additional
20 12-step meeting must be added. Respondent must submit dated and
21 signed documentation confirming such attendance to the Board
22 during the entire period of probation.

23 15. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)

24 DRUGS: Respondent shall completely abstain from the possession,
25 injection or consumption by any route of all psychotropic (mood
26 altering) drugs, including alcohol, except when the same are
27 lawfully prescribed by a licensed physician or dentist as part of

1 documented medical treatment. Respondent shall have sent to the
2 Board, in writing and within fourteen (14) days, by the
3 prescribing physician or dentist, a report identifying the
4 medication, dosage, the date the medication was prescribed, the
5 respondent's prognosis, and the date the medication will no
6 longer be required. Respondent shall identify for the Board the
7 single physician who shall be informed of respondent's history of
8 substance abuse. Respondent shall fully cooperate with the
9 physician to coordinate and monitor any prescriptions for
10 dangerous drugs, controlled substances, or mood-altering drugs
11 prescribed to respondent. The coordinating physician must report
12 to the Board on a quarterly basis respondent's compliance with
13 this condition and a program for the time-limited use of any
14 addictive substances. The Board may require that the single
15 coordinating physician be a specialist in addictive medicine.

16 16. SUBMIT TO TESTS AND SAMPLES: Respondent, at her
17 expense, shall participate in a random, biological fluid testing
18 or a drug screening program which the Board approves. The length
19 of time and frequency will be subject to approval by the Board.
20 The respondent is responsible for keeping the Board informed of
21 respondent's current telephone number at all times and for
22 ensuring that reports are submitted directly by the testing
23 agency to the Board, as directed. Any confirmed positive finding
24 shall be reported immediately to the Board by the program and the
25 respondent will be considered in violation of probation.

26 In addition, respondent, at any time during the period
27 of probation, shall fully cooperate with the Board or any of its

1 representatives, and shall, when requested, submit to such tests
2 and samples as the Board or its representatives may require for
3 the detection of alcohol, narcotics, hypnotics, dangerous drugs,
4 or other controlled substances.

5 If, while on probation, respondent submits a positive
6 drug screen for any substance, including alcohol, not prescribed
7 by a physician or dentist and reported to the coordinating
8 physician, respondent's Registered Nurse License No. 362470 and
9 California Public Health Nurse Certificate No. 53620 shall both
10 be immediately suspended and the Board shall file either a
11 petition to revoke probation or an accusation against
12 respondent's license and certificate. Respondent's license and
13 certificate shall remain suspended pending the final decision on
14 the petition to revoke or accusation.

15 17. MENTAL HEALTH EXAMINATION: Respondent shall,
16 within forty-five (45) days of the effective date of this
17 decision, have a mental health examination including
18 psychological testing as appropriate to determine her capability
19 to perform the duties of a registered nurse. The examination
20 will be performed by a psychiatrist, psychologist or other
21 licensed mental health practitioner approved by the Board. The
22 examining mental health practitioner will submit a written report
23 of that assessment and recommendations to the Board. All costs
24 are the responsibility of the respondent. Recommendations for
25 treatment, therapy or counseling made as a result of the mental
26 health examination will be instituted and followed by the
27 respondent.

1 18. THERAPY OR COUNSELING PROGRAM: Respondent, at her
2 expense, shall participate in an on-going counseling program
3 until such time as the Board releases her from this requirement
4 and only upon the recommendation of the counselor. Written
5 progress reports from the counselor will be required at various
6 intervals.

7 19. SEVERABILITY: Each term and condition of
8 probation contained herein is a separate and distinct term and
9 condition. If any term and condition of this Stipulated
10 Settlement and Disciplinary Order, and/or any application
11 thereof, be declared unenforceable in whole, in part, or to any
12 extent, the remainder of this Stipulated Settlement and
13 Disciplinary Order, and all other applications thereof, shall not
14 be affected thereby. Each term and condition of this Stipulated
15 Settlement and Disciplinary Order shall separately be valid and
16 enforceable to the fullest extent permitted by law.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

16
17
18
19
20
21
22
23
24
25
26
27

17 I, Patricia Renee Wolfe, R.N., have carefully read this
18 Stipulated Settlement and Disciplinary Order and enter into it
19 freely, voluntarily, intelligently, with the benefit of counsel,
20 and with full knowledge of its force and effect. By entering
21 into this stipulation, I fully understand that, upon formal
22 acceptance by the Board, my Registered Nurse License No. 362470
23 and California Public Health Nurse Certificate No. 53620 will
24 both be revoked, with said revocations being stayed, and that I
25 will be placed on probation on the above terms and conditions. I
26 also fully understand, as stated in Condition No. 16, above, that
27 if, while on probation, I submit a positive drug screen for any

1 substance, including alcohol, not prescribed by a physician or
2 dentist and reported to the coordinating physician, my Registered
3 Nurse License No. 362470 and California Public Health Nurse
4 Certificate No. 53620 shall both be immediately suspended, that
5 the Board shall file either a petition to revoke probation or an
6 accusation against my license and certificate, and that my
7 license and certificate shall remain suspended pending the final
8 decision on the petition to revoke or accusation. Finally, I
9 also fully understand that, if I violate the terms or conditions
10 of my probation in any respect, the Board, after giving me notice
11 and opportunity to be heard, may carry out the disciplinary order
12 that was stayed, i.e., revocation of my Registered Nurse License
13 No. 362470 and California Public Health Nurse Certificate No.
14 53620.

15 DATED: Jan. 6th, 1999, 1999.

16 Patricia Wolfe
17 PATRICIA RENEE WOLFE, R.N.
Respondent

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

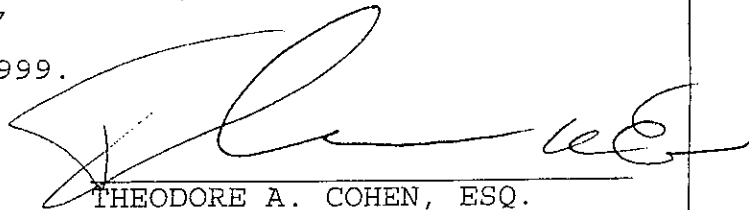
26 //

27 //

ENDORSEMENTS

I concur in this Stipulated Settlement and Disciplinary
Order.

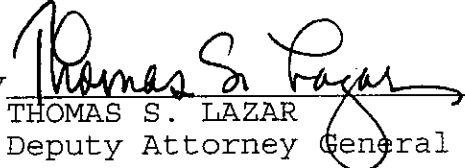
DATED: Jan 6th 1999, 1999.


THEODORE A. COHEN, ESQ.
Attorney for Respondent

I concur in this Stipulated Settlement and Disciplinary
Order.

DATED: January 11, 1999.

DANIEL E. LUNGREN, Attorney General
of the State of California
THOMAS S. LAZAR
Deputy Attorney General

By 
THOMAS S. LAZAR
Deputy Attorney General

Attorneys for Complainant

//

//

//

//

//

//

//

//

//

//

//

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

78

9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27

1 DANIEL E. LUNGREN, Attorney General
of the State of California

2 THOMAS S. LAZAR,
Deputy Attorney General
3 State Bar No. 120621
110 West A Street, Suite 1100
4 San Diego, California 92101
Telephone: (619) 645-2117

5 Attorneys for Complainant
6
7

8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) Case No. 98-105
Against:)

12 PATRICIA RENEE WOLFE)
13 12756 Barret Lane)
Santa Ana, CA 92705)

14 Registered Nurse License)
15 No. 362470,)

16 Public Health Nurse)
17 Certificate No. 53620,)

Respondent.)
18

19 COMES NOW Complainant Ruth Ann Terry, M.P.H., R.N.,
20 who, as causes for disciplinary action, alleges as follows:

21 PARTIES

22 1. Complainant is the Executive Officer of the Board
23 of Registered Nursing, Department of Consumer Affairs, State of
24 California (hereinafter the "Board"), and makes and files this
25 Accusation solely in her official capacity as such and not
26 otherwise.

27 //

1 2. On or about August 31, 1983, the Board issued
2 Registered Nurse License No. 362470 to Patricia Renee Wolfe
3 (hereinafter "respondent"). Said license was in full force and
4 effect at all times relevant herein and will expire on March 31,
5 1999, unless renewed. On or about April 13, 1995, the Board
6 issued Public Health Nurse Certificate No. 53620 to respondent.
7 Said certificate was in full force and effect at all times
8 relevant herein.

9 JURISDICTION

10 3. This Accusation is made in reference to the
11 following statutes of the California Business and Professions
12 Code (hereinafter the "Code"):

13 A. Section 2750 provides, in pertinent part, that
14 every certificate holder or licensee, including licensees
15 holding temporary licenses, or licensees holding licenses
16 placed in an inactive status, may be disciplined as provided
17 in Article 3 of the Nursing Practice Act.

18 B. Section 2761 provides, in pertinent part,
19 that:

20 "The board may take disciplinary action against a
21 certified or licensed nurse . . . for any of the following:

22 "(a) Unprofessional conduct, which includes, but
23 is not limited to, the following:

24 "(1) Incompetence, or gross negligence in
25 carrying out usual nursing functions or nurse anesthetist
26 functions.
27

1 "(d) Violating or attempting to violate, directly
2 or indirectly, or assisting in or abetting the violating of,
3 or conspiring to violate any provision or term of this
4 chapter or regulations adopted pursuant to it.

5 ". . ."

6 C. Section 2762 provides, in pertinent part, as
7 follows:

8 "In addition to other acts constituting
9 unprofessional conduct within the meaning of this
10 chapter it is unprofessional conduct for a person
11 licensed under this chapter to do any of the
12 following:

13 "(a) Obtain or possess in violation of
14 law, or prescribe, or except as directed by a
15 licensed physician and surgeon, dentist, or
16 podiatrist administer to himself or herself, or
17 furnish or administer to another, any controlled
18 substance as defined in Division 10 (commencing
19 with Section 11000) of the Health and Safety Code
20 or any dangerous drug as defined in Article 8
21 (commencing with Section 4210) of Chapter 9 of
22 Division 2 of the Business and Professions Code.

23 "(b) Use any controlled substance as
24 defined in Division 10 (commencing with Section
25 11000) of the Health and Safety Code, or any
26 dangerous drug as defined in Article 8 (commencing
27 with Section 4210) of Chapter 9 of Division 2 of

1 the Business and Professions Code, or alcoholic
2 beverages, to an extent or in a manner dangerous
3 or injurious to himself or herself, any other
4 person, or the public or to the extent that such
5 use impairs his or her ability to conduct with
6 safety to the public the practice authorized by
7 his or her license.

8 ". . .

9 "(e) Falsify, or make grossly
10 incorrect, grossly inconsistent, or unintelligible
11 entries in any hospital, patient, or other record
12 pertaining to the substances described in
13 subdivision (a) of this section."

14 D. Section 4022 provides, in pertinent part, that
15 "'[d]angerous drug' . . . means any drug . . . unsafe for
16 self-medication, . . ."

17 4. This Accusation is also made in reference to the
18 section 11173(a) of the California Health and Safety Code which
19 provides, in pertinent part, "[n]o person shall obtain or attempt
20 to obtain controlled substances, or procure or attempt to procure
21 the administration of . . . controlled substances, (1) by fraud,
22 deceit, misrepresentation, or subterfuge; or (2) by the
23 concealment of a material fact."

24 //

25 //

26 //

27 //

COST RECOVERY

5. California Business and Professions Code section 125.3 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding, a board may request that the administrative law judge direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, including charges imposed by the Attorney General. Under section 125.3, subdivision (c), a certified copy of the actual costs or a good faith estimate of costs where actual costs are not available, including investigative and enforcement costs, and charges imposed by the Attorney General, up to the date of the hearing, signed by the designated representative of the entity bringing the proceeding shall be *prima facie* evidence of the reasonable costs of investigation and prosecution of the case.

//

//

//

//

//

//

//

//

//

//

//

DRUGS

6. "Morphine" is a Schedule II controlled substance under California Health and Safety Code section 11055(b)(1)(M) and a dangerous drug within the meaning of California Business and Professions Code section 4022 (formerly section 4211) in that it is unsafe for self-medication.

7. "Vicodin," a brand name for hydrocodone bitartrate and acetaminophen, is a Schedule III controlled substance under California Health and Safety Code section 11056(e)(4) and a dangerous drug within the meaning of California Business and Professions Code section 4022 (formerly section 4211) in that it is unsafe for self-medication.

8. "Demerol," a brand name for meperidine hydrochloride, is a Schedule II controlled substance under California Health and Safety Code section 11055(c)(17) and a dangerous drug within the meaning of California Business and Professions Code section 4022 (formerly section 4211) in that it is unsafe for self-medication.

//

//

//

//

//

//

//

//

//

1 FIRST CAUSE FOR DISCIPLINE

2 Unprofessional Conduct Relating to Controlled
3 Substances and Dangerous Drugs

4 9. Respondent has subjected her Registered Nurse
5 License No. 362470 and Public Health Nurse Certificate No. 53620
6 to disciplinary action under California Business and Professions
7 Code sections 2750, 2761, 2761(a), and 2761(d), on the grounds of
8 unprofessional conduct as defined by section 2762(a) of the Code,
9 in that she obtained or possessed in violation of California
10 Health and Safety Code section 11173(a), or except as directed by
11 a licensed physician and surgeon, dentist, or podiatrist,
12 administered to herself, or furnished or administered to another,
13 controlled substances and dangerous drugs as more particularly
14 alleged hereinafter:

15 (a) In or about October and November 1995,
16 respondent was working in the Emergency Department at the
17 UCI Medical Center in Orange County, California.

18 Patient Lienchi T.

19 (b) On or about November 18, 1995, at 2:00 p.m.,
20 while working at the UCI Medical Center, respondent signed
21 out for 10 mg. of Morphine for patient Lienchi T. on the
22 Controlled Substances Administration Record (hereinafter
23 "CSAR"). However, patient Lienchi T. had a physician's
24 order for only 2-4 mg. of Morphine. Respondent documented
25 the Morphine as wasted and falsely wrote the initials "BP"
26 as the witness to that wastage. The above information was
27 entered on the CSAR after the 3:20 p.m. entry and, thus, the

1 entry was out of sequence. Respondent failed to otherwise
2 account for the disposition of the Morphine.

3 (c) On or about November 18, 1995, at 2:15 p.m.,
4 while working at the UCI Medical Center, respondent signed
5 out for 10 mg. of Morphine for patient Lienchi T. on the
6 CSAR. However, patient Lienchi T. had a physician's order
7 for only 2-4 mg. of Morphine. Respondent then documented
8 the Morphine as wasted and falsely wrote the initials "BP"
9 as the witness to that wastage. The above information was
10 entered on the CSAR after the 3:20 p.m. entry and, thus, the
11 entry was out of sequence. Respondent failed to otherwise
12 account for the disposition of the Morphine.

13 (d) On or about November 18, 1995, at 2:20 p.m.,
14 while working at the UCI Medical Center, respondent signed
15 out for 25 mg. of Demerol for patient Lienchi T. on the
16 CSAR. However, at the time she signed out this medication,
17 patient Lienchi T. did not have a physician's order for
18 Demerol. At 2:30 p.m., patient Lienchi T.'s physician's
19 order was revised to delete Morphine and add Demerol 50 mg.
20 IV as needed for pain. Respondent documented the Demerol as
21 wasted, falsely wrote the initials "BP" as the witness to
22 that wastage, then crossed out the initials "BP" and entered
23 the word "error". The above information was entered on the
24 CSAR after the 3:20 p.m. entry and, thus, the entry was out
25 of sequence. Respondent also documented in the Medication
26 Administration Record that she administered the 25 mg. of
27 Demerol to patient Lienchi T. at 4:10 p.m., two hours after

1 the patient had been transferred from the Emergency
2 Department to the hospital. Respondent failed to otherwise
3 account for the disposition of the Demerol.

4 (e) When confronted by a hospital supervisor
5 regarding the above, respondent stated "I am a drug addict
6 and alcoholic, I need help, I need you to report me so I can
7 get help. This has been a problem before, I thought I could
8 handle it but could not. I am guilty."

9 (f) When later interviewed during the course of
10 the Board's investigation and presented with the entries she
11 had made for patient Lienchi T., respondent verified her
12 signature and admitted that she had taken the Morphine for
13 herself. Respondent further admitted that she wrote the
14 initials "BP" as the witness to wastage of the 20 mg. of
15 Morphine because she was "too loaded" to remember the name
16 of her friend, another nurse. Respondent further admitted:
17 "I was loaded. I didn't know what I was writing on the
18 sheet, so I got the time wrong. . . ."

19 Patient Martina A.

20 (g) On or about November 18, 1995, at 1:45 p.m.,
21 while working at the UCI Medical Center, respondent signed
22 out for 10 mg. of Morphine for patient Martina A. on the
23 CSAR. Patient Martina A. did not have a physician's order
24 for Morphine. The above information was entered on the CSAR
25 after the 1:55 p.m. entry and, thus, the entry was out of
26 sequence. In addition, on the Medication Administration
27 Record, respondent documented that she administered 4 mg. of

1 Morphine to patient Martina A., then crossed out the entry
2 and entered the word "error". Respondent failed to
3 otherwise account for the disposition of the Morphine.

4 (h) On or about November 18, 1995, at 1:50 p.m.,
5 while working at the UCI Medical Center, respondent signed
6 out for 100 mg. of Demerol for patient Martina A. on the
7 CSAR. Respondent charted on the physician's orders that she
8 administered this Demerol to patient Martina A. on this date
9 at 2:50 p.m. Respondent also charted on the Medication
10 Administration Record that she administered this Demerol to
11 patient Martina A. on this date at 3:00 p.m. Finally, in
12 the nursing notes for this patient on this date, respondent
13 entered "Rx for pain" at 2:45 p.m.

14 (i) When later interviewed during the course of
15 the Board's investigation and presented with the entries she
16 had made for patient Martina A., respondent verified her
17 signature and stated that "I don't remember for sure, but I
18 most likely took the Morphine." While respondent denied
19 taking the Demerol, she stated that she entered the wrong
20 time because she was under the influence of Morphine during
21 the shift.

22 Patient Earl E.

23 (j) On or about October 22, 1995, at 3:00 p.m.,
24 while working at the UCI Medical Center, respondent signed
25 out for 2 tablets of Vicodin for patient Earl E. on the
26 CSAR. Patient Earl E. did not have a physician's order for
27 Vicodin. Respondent charted on the Medication

1 Administration Record that she administered the Vicodin to
2 patient Earl E. on this date at 3:00 p.m., then crossed out
3 the entry, and entered the word "error". Respondent failed
4 to otherwise account for the disposition of the Vicodin.

5 (k) When later interviewed during the course of
6 the Board's investigation and presented with the entries she
7 had made for patient Earl E., respondent verified her
8 signature and stated "I probably took the Vicodin. I needed
9 Vicodin for withdrawals, so I would take it home for when I
10 needed it."

11 Patient Reynaldo F.

12 (l) On or about October 14, 1995, at 1:00 p.m.,
13 while working at the UCI Medical Center, respondent signed
14 out for 2 tablets of Vicodin for patient Reynaldo F. on the
15 CSAR. Patient Reynaldo F. did not have a physician's order
16 for Vicodin. Respondent failed to account for the
17 disposition of the Vicodin.

18 (m) On or about October 14, 1995, at 2:00 p.m.,
19 while working at the UCI Medical Center, respondent signed
20 out for 10 mg. of Morphine for patient Reynaldo F. on the
21 CSAR. Respondent charted administration of 5 mg. of the
22 Morphine at 2:00 p.m. on that same date, which patient
23 Reynaldo F. had a physician's order for, and wasted the
24 remaining 5 mg. of Morphine with a witness. In the nursing
25 notes for this patient on this date, respondent noted that
26 the Morphine had been administered at 2:00 p.m. and was
27 "effective". However, one hour later, at 3:00 p.m., without

1 a physician's order for more Morphine, respondent signed out
2 for another 10 mg. of Morphine for patient Reynaldo F. on
3 the CSAR. Respondent failed to account for the disposition
4 of this second 10 mg. of Morphine.

5 (n) When later interviewed during the course of
6 the Board's investigation and presented with the entries she
7 had made for patient Reynaldo F., respondent verified her
8 signature and, when asked if she had taken the second 10 mg.
9 of Morphine and the Vicodin, respondent replied "Most
10 likely" and "Yes."

11 SECOND CAUSE FOR DISCIPLINE

12 Unprofessional Conduct Relating to Controlled 13 Substances and Dangerous Drugs

14 10. Respondent has further subjected her Registered
15 Nurse License No. 362470 and Public Health Nurse Certificate No.
16 53620 to disciplinary action under California Business and
17 Professions Code sections 2750, 2761, 2761(a), and 2761(d), on
18 the grounds of unprofessional conduct as defined by section
19 2762(b) of the Code, in that she has used controlled substances
20 and dangerous drugs to an extent or in a manner dangerous or
21 injurious to herself, any other person, or the public or to the
22 extent that such use impairs her ability to conduct with safety
23 to the public the practice authorized by her license as more
24 particularly alleged hereinafter: Paragraphs 9(a), 9(b), 9(c),
25 9(d), 9(e), 9(f), 9(g), 9(h), 9(i), 9(j), 9(k), 9(l), 9(m) and
26 9(n), above, are incorporated by reference as if fully set forth
27 herein.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

16
17
18
19
20
21
22
23
24
25
26
27

//

1 FOURTH CAUSE FOR DISCIPLINE

2 Gross Negligence

3 12. Respondent has further subjected her Registered
4 Nurse License No. 362470 and Public Health Nurse Certificate No.
5 53620 to disciplinary action under California Business and
6 Professions Code sections 2750, 2761, and 2761(a), on the grounds
7 of unprofessional conduct as defined by section 2761(a)(1) of the
8 Code in that she is guilty of gross negligence in carrying out
9 usual nursing functions as more particularly alleged hereinafter:

10 (a) Paragraphs 9(a), 9(b), 9(c), 9(d), 9(e),
11 9(f), 9(g), 9(h), 9(i), 9(j), 9(k), 9(l), 9(m) and 9(n),
12 above, are incorporated by reference as if fully set forth
13 herein.

14 (b) Respondent is guilty of gross negligence in
15 carrying out usual nursing functions in that, while on duty
16 as a registered nurse in the Emergency Department at UCI
17 Medical Center, she self-administered unlawfully obtained
18 controlled substances and dangerous drugs and, as a result,
19 endangered both herself and her patients by her decreased
20 cognitive ability to make nursing judgments essential for
21 patient safety and protection from harm.

22 //

23 //

24 //

25 //

26 //

27 //

PRAYER

WHEREFORE, complainant requests that a hearing be held on the matters alleged herein, and that following said hearing, that the Board issue its decision:

1. Revoking or suspending Registered Nurse License No. 362470 heretofore issued to respondent Patricia Renee Wolfe;

2. Revoking or suspending Public Health Nurse Certificate No. 53620 heretofore issued to respondent Patricia Renee Wolfe;

3. Ordering respondent to pay, under section 125.3, the reasonable costs of investigation and enforcement in this case; and

4. Taking such other and further action as the Board deems necessary and proper to protect the public health, safety and welfare.

DATED: Apr 16, 1998, 1997.

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

TSL/tsl

03579110-
SD97AD0446